United Nations S/2012/146

Security Council

Distr.: General
12 March 2012

Original: English

France, Germany, Morocco, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 1970 (2011) of 26 February 2011, 1973 (2011) of 17 March 2011, 2009 (2011) of 16 September 2011, 2016 (2011) of 27 October 2011, 2017 (2011) of 31 October 2011 and 2022 (2011) of 2 December 2011,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Reaffirming its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1612 (2005), 1882 (2009), and 1998 (2011) on children in armed conflict, and 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010) on women, peace and security,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Emphasizing the importance of promoting the equal and full participation of all sectors of Libyan society, including women, youth and minority communities in the political process in the post-conflict phase,

Recalling its decision to refer the situation in Libya to the Prosecutor of the International Criminal Court, and the importance of cooperation for ensuring that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable,

Expressing deep concern about reports of sexual violence during the conflict in Libya against women, men and children including in prison facilities and detention centres, and the recruitment and use of children in situations of armed conflict in contravention of applicable international law,

Reiterating that the voluntary, safe and sustainable return of refugees and internally displaced persons will be an important factor for the consolidation of peace in Libya,

Expressing concern at the illicit proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles, from Libya, in the region and its potential impact on regional and international peace and security,

Please recycle

Stressing that national ownership and national responsibility are key to establishing sustainable peace and that it is the primary responsibility of national authorities to identify their priorities and strategies for post-conflict peacebuilding,

Stressing the need for the United Nations to work actively with the Libyan authorities to identify and support delivery of the priorities and strategies for post-conflict peacebuilding,

Reaffirming that the United Nations should lead the coordination of the efforts of the international community in supporting the Libyan-led transition and rebuilding process aimed at establishing a democratic, independent and united Libya, and *appreciating* the assistance of the United Nations Support Mission in Libya in convening recent workshops with the Libyan government to identify national needs and priorities,

Noting the centrality of credible elections to a peaceful transition in Libya, *encouraging* the taking of all necessary steps in this regard, and *welcoming* the adoption of a Libyan national electoral law on 28 January 2012 and the establishment of an Electoral Commission on 12 February 2012,

Supporting Libya's intention to strengthen regional security and *taking note* of their proposal to host a regional security conference,

Commending the Libyan authorities for engaging with the International Monetary Fund and World Bank on conducting an assessment of Libya's public financial management framework, and *reiterating* its request that the Committee established pursuant to resolution 1970 (2011) be informed of the results of that assessment,

Taking note of the Report of the Secretary-General on the United Nations Support Mission in Libya (S/2012/129), including the recommendation for the modification and 12 month extension of the UNSMIL mandate, and *recalling* the letter of 6 March 2012 from Mr. Abdurraheem Al-Kib, Prime Minister of Libya, to the Secretary-General (S/2012/139),

Taking note of the final report of the Panel of Experts submitted pursuant to paragraph 24 (d) of resolution 1973 (2011) and the findings and recommendations contained therein,

Taking note of its briefing by the High Commissioner for Human Rights on 25 January 2012 and the report of the International Commission of Inquiry on Libya to the Human Rights Council of 2 March 2012 (A/HRC/19/68),

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the recent positive developments in Libya which will improve the prospects for a democratic, peaceful and prosperous future for its people;

2. *Looks forward* to free, fair and credible elections in June 2012 to establish a Constituent Assembly, and *reiterates* the need for the transitional period to be underpinned by a commitment to democracy, good governance, rule of law, national reconciliation and respect for human rights and fundamental freedoms of all people in Libya;

3. *Calls upon* the Libyan authorities to promote and protect human rights, including those of women and people belonging to vulnerable groups, to comply with their obligations under international law, including international humanitarian law and human rights law, and *calls for* those responsible for serious violations of such law, including sexual violence, to be held accountable in accordance with international standards, and *urges* all Member States to cooperate closely with the Libyan authorities in their efforts to end impunity for such violations;

4. *Expresses* grave concern at continuing reports of reprisals, arbitrary detentions without access to due process, wrongful imprisonment, mistreatment, torture and extrajudicial executions in Libya and *calls upon* the Libyan authorities to take all steps necessary to prevent violations of human rights, *underscores* the Libyan authorities' primary responsibility for the protection of Libya's population, as well as foreign nationals, including African migrants, and *calls for* the immediate release of all foreign nationals illegally detained in Libya;

5. *Encourages* Libya and neighbouring states to engage in order to establish regional cooperation aimed at stabilization of the situation in Libya and to prevent former Libyan regime elements from using the territories of such States to plan, fund or carry out violent or other illicit acts to destabilize Libya and the states in the region, and notes that such cooperation would benefit stability in the Sahel region;

United Nations Mandate

6. *Decides* to extend the mandate of the United Nations Support Mission in Libya (UNSMIL) for a further period of 12 months, subject to review within 6 months, under the leadership of a Special Representative of the Secretary-General, and *decides further* that the modified mandate of UNSMIL, in full accordance with the principles of national ownership, shall be to assist the Libyan authorities to define national needs and priorities throughout Libya, and to match these with offers of strategic and technical advice where appropriate, and support Libyan efforts to:

(a) manage the process of democratic transition, including through technical advice and assistance to the Libyan electoral process and the process of preparing and establishing a new Libyan constitution, as set out in the National Transitional Council's Constitutional Roadmap, and assistance that improves institutional capacity, transparency and accountability, promotes the empowerment and political participation of women and minorities and supports the further development of Libyan civil society;

(b) promote the rule of law and monitor and protect human rights, in accordance with Libya's international legal obligations, particularly those of women and people belonging to vulnerable groups, such as children, minorities and migrants, including through assisting the Libyan authorities to reform and build transparent and accountable justice and correctional systems, supporting the development and implementation of a comprehensive transitional justice strategy, and providing assistance towards national reconciliation, support to ensure the proper treatment of detainees and the demobilization of any children remaining associated with revolutionary brigades;

(c) restore public security, including through the provision of appropriate strategic and technical advice and assistance to the Libyan government to develop capable institutions and implement a coherent national approach to the integration

of ex-combatants into Libyan national security forces or their demobilization and reintegration into civilian life, including education and employment opportunities, and to develop police and security institutions that are capable, accountable, respectful of human rights and accessible and responsive to women and vulnerable groups;

(d) counter illicit proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles, clear explosive remnants of war, conduct demining programmes, secure and manage Libya's borders, and implement international conventions on chemical, biological and nuclear weapons and materials, in coordination with the relevant United Nations agencies, the Organization for the Prohibition of Chemical Weapons, and international and regional partners;

(e) coordinate international assistance and build government capacity across all relevant sectors set out in relation to paragraphs 6 (a) to (d), including by supporting the coordination mechanism within the Libyan government announced on 31 January 2012, advice to the Libyan government to help identify priority needs for international support, engaging international partners in the process wherever appropriate, facilitation of international assistance to the Libyan government, and establishing a clear division of labour and regular and frequent communication between all those providing assistance to Libya;

7. *Encourages* UNSMIL to continue to support efforts to promote national reconciliation, inclusive political dialogue and political processes aimed at promoting free, fair and credible elections, transitional justice and respect for human rights throughout Libya;

Arms Embargo

8. *Decides* to terminate the authorization granted in paragraph 13 of resolution 1973 (2011) to Member States to use all measures commensurate to the specific circumstances to carry out inspection pursuant to that paragraph, *decides* further to terminate paragraph 14 of that resolution, and *underscores* the importance of the full implementation of the arms embargo imposed in paragraphs 9 and 10 of resolution 1970 (2011), as modified by resolution 2009 (2011);

Asset Freeze

9. *Directs* the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures imposed by resolutions 1970 (2011) and 1973 (2011), as modified by resolution 2009 (2011), with respect to the Libyan Investment Authority (LIA) and the Libyan Africa Investment Portfolio (LAIP), and *decides* that the Committee shall, in consultation with the Libyan authorities, lift the designation of these entities as soon as practical to ensure the assets are made available to and for the benefit of the people of Libya;

Panel of Experts

10. *Decides* to extend and modify the mandate of the Panel of Experts, established by paragraph 24 of resolution 1973 (2011), and *decides further* to adjust the mandate to create for a period of one year, in consultation with the Committee

and taking into account the current areas of activity, a group of up to 5 experts ("the Panel") under the direction of the Committee to carry out the following tasks:

(a) assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011);

(b) gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in resolution 1970 (2011), 1973 (2011) and 2009 (2011), in particular incidents of non-compliance;

(c) make recommendations on actions that the Council, the Committee, the Libyan authorities or other States may consider to improve implementation of the relevant measures;

(d) provide to the Council an interim report on its work no later than 90 days after the Panel's appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

11. *Urges* all States, relevant United Nations bodies, including UNSMIL, and other interested parties, to cooperate fully with the Committee and the Panel, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1970 (2011) and 1973 (2011), and modified in resolution 2009 (2011), in particular incidents of non-compliance;

12. *Encourages* the Panel, while mindful of UNSMIL's responsibility for assisting the Libyan authorities to counter illicit proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles, and to secure and manage Libya's borders, to continue its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya and the assets of individuals subject to the asset freeze established in resolutions 1970 (2011) and 1973 (2011), and modified in resolution 2009 (2011), and *encourages* UNSMIL and the Libyan authorities to support Panel investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate;

Reporting and Review

13. *Expresses* its intent to review the mandate of the Committee in the event that the measures imposed in resolutions 1970 (2011) and 1973 (2011), and modified in resolution 2009 (2011) and in this resolution, should be lifted by a future decision of the Security Council;

14. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution, including all elements of UNSMIL's mandate, every 60 days;

15. *Also requests* the Secretary-General to report to the Security Council following the elections of a Constituent Assembly on steps taken by UNSMIL to engage with the new Libyan government in order to ensure that it continues effectively to support Libya's specific needs, with a view to reviewing and adjusting the mandate as necessary;

16. *Decides* to remain actively seized of the matter.